



IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

26

Application Number

10/676,946

Filing Date

09/30/2003

First Named Inventor

Jambor, Kristin L.

Art Unit

3721

Examiner Name

Attorney Docket Number

END-5083

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Substitute for Form PTO 1449
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Related Office Action dated 10/19/04
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Related Amendment and Response
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		Related Office Action dated 05/11/05
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Frost Brown Todd LLC		
Signature			
Printed name	Edwin R. Acheson		
Date	August 12, 2005	Reg. No.	31,808

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Elizabeth Crowe	Date	8/12/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT  
Customer No. 26874

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Kristin L. Jambor, et al. : Docket No: 0021680.0515149

Serial No. 10/676,946 : Group Art Unit: 3721

Filed: 09/30/2003 : Examiner:

For: **SEGMENTED GASTRIC BAND**

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop: AMENDMENT  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, Applicant herewith submits certain information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed below, and are also listed on the attached form PTO/SB/08A and 08B.

**Non-Patent Literature Documents**

1. Office Action dated 10/19/2004 for U.S. Application Serial No. 10/676,368, filed 09/30/2003.
2. Amendment and Response dated 02/18/2005 for U.S. Application Serial No. 10/676,368 filed 09/30/2003.
3. Office Action dated 05/11/2005 for U.S. Application Serial No. 10/676,368, filed 09/30/2003

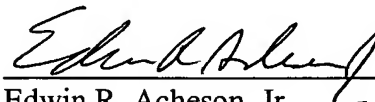
Serial No. 10/676,946  
Customer No. 26874

Copies of the listed references are provided. No representation is made or intended that a prior art search has been made or that no better art than the listed is available.

The Assistant Commissioner for Patents is authorized to charge any deficiency or credit any overpayment to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

Kristin L. Jambor, et al.



Edwin R. Acheson, Jr.  
Registration No. 31,808  
Telephone (513) 651-6708

FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202-4182

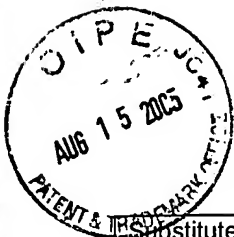
Customer No. 26874

August 12, 2005

**CERTIFICATE OF MAILING**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop: Amendment, The Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 this 12th day of August, 2005.





Customer No. 26874  
PATENT TRADEMARK OFFICE

Substitute for Form PTO 1449

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

**Complete if Known**

Application No.	10/676,946
Filing Date	September 30, 2003
First Named Inventor	Jambor
Art Unit	3721
Examiner Name	

Sheet	1	of	1	Attorney Docket No.	0021680/0515149
-------	---	----	---	---------------------	-----------------

## U.S. PATENT DOCUMENTS

Examiner initials	Cite No.	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			

## FOREIGN PATENT DOCUMENTS

Examiner initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind code <sup>5</sup> (if known)				

## OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
		1. Office Action dated 10/19/2004 for U.S. Application Serial No. 10/676,368, filed 09/30/2003.	
		2. Amendment and Response dated 02/18/2005 for U.S. Application Serial No. 10/676,368 filed 09/30/2003.	
		3. Office Action dated 05/11/2005 for U.S. Application Serial No. 10/676,368, filed 09/30/2003	

EXAMINER SIGNATURE \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.